

***United States Court of Appeals  
for the Second Circuit***



**APPELLANT'S  
REPLY BRIEF**



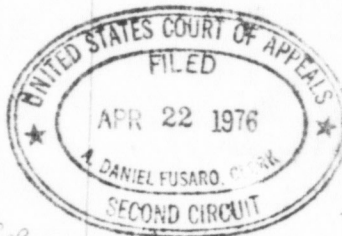
Second Circuit  
UNITED STATES Court of Appeals

75-7635

No. Calendar No.

Docket 75 7635

Nathaniel Cooper  
Plaintiff vs  
Corporation Counsel  
Guards Doyle & Glesby  
Steven Davis  
Dept of Social Service  
Mrs Cud soul Supervisor



Proof of Serv.

Repley Breaf  
To be used if Need  
in arguement before  
The Court of appeals

New York State  
City of New York

ON appeal from the United States District Court  
Nathaniel Cooper being duly Sworn according To Law  
deposes an says that upon this Day Couse  
To served upon Respondent here in True Copys  
of all papers submitted To this honorable Court  
and Respondent by placing same in the hand  
Of the City of New York Corporation Counsel

Sworn To me this 19<sup>th</sup> day  
of April 76

*Ruth Goldfarb*  
RUTH GOLDFARB  
Commissioner of Deeds, City of New York  
New York County Clerk's No. 3-79  
Commission Expires September 1, 1976

Natory Public Seal

3  
Respect Sully  
Submitted  
Nathaniel Cooper  
372 muller ave  
Brooklyn N.Y. 11207

To Renee modry  
Memorandum  
of Law

indict  
75 7/25  
colony 11.  
or appeal

Dear Counsel please understand I see I must  
do this ~~off~~ <sup>at</sup> the case is ended for one thing the  
Attachment To Complaint shows clear violation  
of petitioners Rights For taking away the  
Equal protection ~~of~~ <sup>ion</sup> of the Law and the National protection  
supreme court of the United States 1944  
321 US 649 64 S Ct 957 88 L Ed. 987. ← For Counsel  
the offices in those Times of 1973 and Early 1974 AD. and  
Saul Burnslain and Mr Burchill were indeed as  
the attachment To Complaint did Refure To the District  
Judge having Let the old paper slip away. any way the  
attachment To Complaint file in Late 1974 AD. is showing  
Now To the appeals Court where the office of the Comptroller  
do have all the original paper as well as  
Plaintiff Now the Fact Contain in motion To the appeals  
Court file in Feb 25 75 Cooper vs. attorney Ambrosio  
all so there were other Paper file before the appeals Court



②

These papers were File To the Clerk of the Court  
on May 1, 1975 these paper Tell a story and  
It should be clear To the Court Corporation Counsel that  
he and the District Judge have been showing the True Law  
showing so many times in so many paper at a great cost  
To plaintiff yet the Relief sought is so plain and clear  
so this memorandum is a defense for plaintiff as the  
Law having been lose by Negligence of the Court. the  
Corporation Counsel having violated Plaintiff Civil Rights  
so many times since 1973 its a shame and the attachment  
to the Complaint pick up on the activities of the attorney  
home violated petitioner Federal Civil Right 13.7 For Liability  
of State officials and there individual and municipalities and County  
and here officers 13.8(3) at the Time year closing Dec. 16 or  
so 1974 A.D. as a Key word I use by Take away the  
Equal protection of the Law. First Lesson to the  
Court and The usurping Comptroller office and The  
emasculating Federal Court, I must Point out hear  
again I Request the Circuit Judge To Review my  
Brief Carefully as well as paper File Last year  
To appeal court,

③ To be argued in court

To give the first answer that I will point out is  
that the truth that Oglesby and Davis are not what  
you can call Creditable <sup>with me</sup> as in Brief of Feb 9 76  
it states that Oglesby were wearing a coat on Dec 22  
1972 and Sept 9, 1975 he stated I tore or ripped his coat.  
and I stated at trial I were wereing a coat at Thirti Degree  
of course he wore one. yet on trial he stated he did not  
wear one plaintiff did Request on Oct 16 and so did  
Co Counsel as well soon Sept 9, To have case put  
off until minutes of hear or arraignment of Dec 19, 1972  
so the Counsel on page 8 the Trial Originalie were  
set at week Later Oct 26 I believe, then by Phone Call To  
Plaintiff I had to leave Job For date were not keep For  
Original Date Even though Plaintiff threatening not  
to appear the Judge Bonsal then through his Law Clerk  
Mrs Freedmen intimidate plaintiff By threat To my  
Mother as I never Recieve the Call I were on the Job.  
Threat To Dismiss Case if I fail To keep New date  
I Recieve by way of Phone Call. it was prejudice very prejudice  
When plaintiff serviced the district with a stay of the Trial  
Judge

The Judge were so Biase at this point  
 The Plaintiff after much Delay had to yell to the  
 Calender Clerk To Make Judge Recieve Memorandum  
 From the City Stenographic and office of the Reporter et in  
 Violation of Federal Civil proceeder under Newly discovered  
 Evidence 2353 as plaintiff did inform he the Judge, he  
 were waiting for the minutes as they were a Delay of  
 Correct Name of the Reporter of that Dec 19, 1976 plaintiff  
 aquired the Transcript of the Trial a week To Late,  
 if Intimidate of threat to dismiss case is not prejudice  
 then the City of New York are not, as for the Lie on page 7  
 on Renee Modry an appendix were service on the city  
 with Brief Feb, 1, 76. The Clerk of the Court, State I did  
 not need any other Transcript if I could not afford them  
 under Rule 28 U.S.C. § 1915 ad *Tins v. Dupont Co* 335 U.S. 331. the  
 defense that the charge made is True is an absolute and  
 Complete defense To a Civil action for defamation, The  
 qualification being only that the justification proved must  
 be as broad as the charges *Young v. Adams* 113 Mich 199 8d  
 Case on Torts p. 409. For example of defamation  
 on following page



For Malice <sup>5</sup> Expressly hatred  
and ill will from corporation

When plaintiff filed a attachment Complaint  
Of the Conduct of Saul Bernstein and Thomas  
Burchill. Defamation and the Filer of Complaint before  
New York Bar ass 44 St that is association the Defense  
Must be pleaded and proved by the Defendant, for Plaintiff  
Makes out a prima facie case by proving the defamatory  
words and publication to the News papers and to the  
Court by way of a Complaint he has not the Burden  
Of proving falsity it is the Defendant who must  
Justify ashcroft v. Hammond 132 app. Div. 3. Defamation  
Terwilliger v. Wands, supra; Beach v. Ranney, 2 Hill 309 Reporter  
association v. Sun, 186 N.Y. 432, 19 N.E. 710. Punitive Damages may be  
Recovered upon proof of Express malice Corrigan v. Bobbs 288 N.  
58 126 N.E. 260 Edgars cases on Torts, p 431).  
Now Referring To Department of Social Service The  
Department did pull a mud eruse assault on plaintiff Plaintiff  
Will Choces To show The appeals Court again as well  
as the many Defendant in This Law Suit. For  
Point ① of this Charge the Plaintiff Did have  
Proper Identification on Dec 19. 1972. OK

To be argued The Denial of welfare

It were Proving When The Judge dismiss The Jury  
For 5 minutes When plaintiff Pen down Oglesby

Concerning What Kind of IDentification is needed  
after Filing Tax Since 1956 and have letter from school  
with Social Security number on it stating income were 6.93 per  
week. and learners permitt plus Birth certificate all these  
thing were showing at Trial. Let the Counsel Renue

moddy be properd To argued on Our Day in  
Court What Kind of I.D. were needed To Recieve  
Publie welfare as stated in attachment to Complaint  
the Dept of welfare violated its own New York  
Charter Laws, in Denueing plaintiff

a Fund that partly Come from what other  
Source the Federal Goverment. This alone  
holds the Department of Social Service. and the  
Conspiracy when it attempt to murder Plaintiff By  
Conspiracy act in New York Conspiracy is  
Not a separte Torts it is how Ever a Substantial  
one of Pleading it is To hold all the Conspirators

(7)

42 USC.A 1985(3) the True Fact of hatred  
liable for the Overt acts of the others, committed pursuant  
to the conspiracy. if therefore, one or more of the  
Conspirators commits an overt act amounting to a tort  
in pursuance of the conspiracy, the Liability of all is joint  
and several, for they are joint Torts Feasors, the  
element of Concert consisting in the Common plan  
Brackett v. Griswold, 112 N.Y. 457, 20 NE 376 Place v. Minister,  
65 N.Y. 87) See Van Horn v. Van Horn 52 N.J. 2284 Edgars Case  
5 Torts p. 375 at Trial Defendant fail to show Grounds  
Why Plaintiff were Denied welfare Please be repaired  
to Explain in argument before the Court of appeal  
If The Court Notice all my motion before the Court or Not  
Confuseing as Counsel states are Confuseing this is my Treat  
mark The Conduct of Dept social service Conflicted  
with Social Security in violation of 406 (a) 401, 42 USC.A 8601  
606 (a) the Comptroller have Never made attempt To Seal  
Case I believe him haveing the Second Circuit To  
Reverse or inter Default Base on the herein  
contains of Violation above. of Dept of Social Service



8  
The Final Blow of  
The memorandum

Not only Did Plaintiff Served Time in Jail the Guard  
Did Not appear To Defend these charges before invest  
gation UNIT 236 Church St. N.Y.C 9 months were giving yet  
they Never Came To defend Criminal Charges more appear be-  
fore investigators of charges. so The City Under General  
municipalitie Law section 50 e I filed a claim it dose  
Not state which Court I must Commence my  
Action in. I put this in paper before the Court in 1974  
and 1975 That I chose The Federal court be cause The  
Fact That Plaintiff were Denied inter in To a public Building  
D.C. DC. 1974 Equal protection clause demand no less than substantially  
Equal State Representation for citizens of all places as well as of all  
Races. USCA Const prohibiting the Denial of Equal enjoyment  
of any accommodation Facilities and privileges of inn  
Common carriers theaters or other places of public  
Resort. or amusement Regardless of race or color and  
giving the party For The one aggrieved a Right To Recover a  
Penalty For the offense 10 am Jur. 910, 917 see civil right  
cases 109 U.S. 327 2 ed (US) 1363 Sup Ct Rep 18.

# Summation

The memorandum herein  
must conclude

It is the States  
Plan To annul or  
Evade the  
Laws

That Plaintiff has had a Tough an Ever onward  
Battle with Lawyers and so I did Battle with this  
Lawless Judge Bonsal Plaintiff Call Lawyer  
Renee modry hand of this Live Plaintiff motion  
To the Judge after the Jury Box were full  
that they 6 Jurys were not of my piers  
any person say I did not do so is a open  
liyer of Couke The Judge Denied this motion.  
Constitution Law showing I can sue under Genral munic  
pal Law 50 e a Public Corporation a claim Founded upon  
Torts 50 e check paper of may 675 and Feb 21, 75 and Before  
Original complaint, The Prohibitions of the fourteenth amendment  
are addressed To The States They are No State shall make  
or enforce a Law which shall abridge the privileges or immu  
nities of Citizens of The United States nor deny To any person  
Within its Jurisdiction The equal Protection of the laws, they have  
Reference To actions of the Political body denominated a state  
by whatever instruments or in whatever modes that action may  
be Taken.

1173 • 1973 AD • 1974 AD  
10 The taking away of equal right

A State acts by its legislative, its executive or its judicial authorities. it can act by ~~the~~ No other way or means the Constitutional provision, therefore must mean that No agency of the State, or of the officers or agent by whom its powers are Exerted shall deny to any person within its jurisdiction the equal protection of the Laws Whoever by virtue of Public position under a state government deprives another of property life liberty without due process of the Laws, or Denie or Take away the Equal protection of the Laws Violates the Constitutional inhibition, and as he acts in the name and for the State, and is clothed with the States powers his act is that of the State this must be so, or the

Constitutional prohibition then the State has clothed <sup>showing meaning</sup> one of its agents with powers to annul or to evade  
II. soon page 6 I think Renee MODRY for Bring out the meny violation of the Judge he was very Lawless as stated in the Brief of the Lawless Trial and also again to Counsel plaintiff can Requite The Supreme court To order Transcript if Needed By that Court of. thank you all.